IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

WA.No. 671 of 2007()

AGAINST THE JUDGEMENT IN OP.22677/1999 Dated 08/12/2007
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APPELLANT: PETITIONER IN O.P

G.R.SOBHA, AGED 53 YEARS,
W/O KARTHIKEYAN, T.C.1/2079, 'KRISHNA',
THAMARABHAGAM, MEDICAL COLLEGE P.O.,
TRIVANDRUM.

BY ADV. SRI.K.RAJESH KANNAN

RESPONDENTS: RESPONDENTS IN O.P
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1. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY, GOVT. OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM.

2. SECRETARY, LOCAL ADMINISTRATION,
SECRETARIAT, THIRUVANANTHAPURAM.

3. CITY CORPORATION OF TRIVANDRUM,
REPRESENTED BY ITS SECRETARY,
CITY CORPORATION OF TRIVANDRUM.

4. SURENDRAN.K., T.C.1085/1,
PAZHAYA ROAD, MEDICAL COLLEGE P.O.,
TRIVANDRUM.

R3 BY ADV. SRI.N.NANDAKUMARA MENON,SC,TVM CORPN.
R1 & 2 BY SPL.G.P.(TAXES) SRI V.V.ASOKAN
R4 BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 03/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN, Ag. C.J. & M.N. KRISHNAN, J.

W.A. No. 671 of 2007

DT. APRIL 3, 2007

JUDGMENT

K.S.Radhakrishnan, Ag.C.J.

Heard both sides.

2. Writ petition was preferred by the appellant herein seeking a writ of certiorari to quash G.O.(P) No.3302/97/LAD dt. 7.10.1997 and GO.RT.No.127/99/LAD dt. 6.4.1999. Petitioner has submitted that before granting exemption to the 4th respondent, she was not heard. Learned counsel for the petitioner submitted that she is the immediate neighbour of the 4th respondent and exemption was granted by the Government for construction without obtaining his consent or giving an opportunity of being heard. On the strength of the exemption order the 4th respondent has already completed construction. Petitioner is now aggrieved by the order (Ext.R4(b)) passed by the Thiruvananthapuram Corporation granting sanction for further construction. Learned counsel for the petitioner submitted that she was not heard before passing the said order. Counsel also submitted that she came to know of Ext.R4(b) only when the construction was started. In the circumstances petitioner is permitted to file objection against Ext.R4(b) before the Thiruvananthapuram Corporation in the event of which the Corporation will take note of the objections and pass appropriate orders within a period of six weeks

from the date of receipt of a copy of this judgment. Till orders are passed by the Corporation on the objection, Ext.R4(b) will be kept in abeyance.

K.S. RADHAKRISHNAN
(Ag. CHIEF JUSTICE)

M.N. KRISHNAN,
(JUDGE)

mt/-